

Application No.: 10/749,121
Applicants: Jeffrey O. Saunders et al.

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REMARKS

The Claim Amendments

Applicants acknowledge that claims 6-9 and 25-74 were previously withdrawn because they were drawn to non-elected inventions.

Applicants have canceled claims 1-74.

Applicants have added claims 75-85. Support for this amendment is found throughout the specification as originally filed.

None of the above amendments adds any new matter. These amendments are further discussed below in the context of the Examiner's objections and rejections.

The Rejections

35 USC § 102(e)

The Examiner has rejected claims 1, 3-5 and 10-24 under 35 U.S.C. § 102(e) as being anticipated by Kenny, et al. in WIPO Publication No.: WO 2004/050646 A1, published June 17, 2004 (hereinafter, "Kenny"). Specifically, the Examiner asserts that Kenny "discloses numerous compounds which anticipate Applicant's Markush language of Claim 1" including Example 5 on page 34. Applicants traverse.

Kenny does not anticipate claims 1, 3-5 and 10-24 of the present application because the proper § 102(e) date for Kenny is the International Filing Date of November 23, 2003 and not the priority date of November 29, 2002. Thus, since Kenny's effective 102(e) date of November 23, 2003 is after the December 30, 2002 priority date of the present application, Kenny can not be considered as an anticipatory prior art reference under § 102(e). Accordingly, applicants respectfully request that the Examiner withdraw this rejection.

The Examiner has also rejected claims 1, 3-5 and 10-24 under 35 U.S.C. § 102(e) as being anticipated by Coppola, et al. in US Patent Application Publication No.: US 2004/0023974, published February 5, 2004 (hereinafter, "Coppola"). Specifically, the Examiner asserts that Coppola "discloses numerous compounds which anticipate Applicant's Markush language of Claim 1" including Example 36 on page 48.

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As discussed above in the amendments section, applicants have canceled claims 1, 3-5 and 10-24 and have added new claims 75-86 directed to methods of inhibiting SHP-2-mediated diseases with a compound genus of formula I-A. Methods claims 75-86 of the present application are thus distinct from the methods disclosed in Coppola directed to inhibition of PTP-1B activity. Therefore, based on these amendments, applicants respectfully request that the Examiner withdraw this § 102(e) rejection.

Furthermore, applicants have provided SHP-2 IC₅₀ data to support the claimed methods (see, specification, Example 7, paragraphs [0117] and [0118] at pages 41-42). Additionally, the association between SHP-2 phosphatase and the claimed diseases and conditions is set forth in applicants' specification (see specification, paragraphs [0002] to [0004], at pages 1-2). Thus, the claimed diseases were linked to SHP-2 activity at the time of applicants' filing date.

35 USC § 102(b)

The Examiner has rejected claims 1, 3-5 and 10-24 under 35 U.S.C. § 102(b) as being anticipated by Bright, et al. in *Journal of Immunological Methods*, Vol. 207 (1), pp. 23-31 (1997) (hereinafter, "Bright"). Specifically, the Examiner asserts that Bright "discloses Compound 12 which anticipates Applicant's Markush language of Claim 1."

As discussed above, applicants have canceled claims 1, 3-5 and 10-24 and have added new claims 75-86 directed to methods of inhibiting SHP-2-mediated diseases with a compound genus of formula I-A. Methods claims 75-86 of the present application are thus distinct from the methods disclosed in Bright directed to the use of particle concentration fluorescence immunoassays (PCFIA's) to "measure plasma levels of analogs being tested in a SAR program of insulin sensitivity-enhancer compounds" (see Bright at page 30). Therefore, based on these amendments, applicants respectfully request that the Examiner withdraw this § 102(b) rejection.

The Objections

The Examiner has objected claims 6-9 and 25-74 for containing nonelected subject matter. The Examiner has also objected to a typographical error in claim 5 wherein radical "-TmQ" should simply read "Q".

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As discussed above, applicants have canceled claims 5-9 and 25-74 thus obviating this objection. Additionally, in new claim '78, which recites the same compound table from canceled claim 5, applicants have recited radical "Q" to address the Examiner's objection.

CONCLUSION

Applicants request that the Examiner enter the above amendments, consider the accompanying remarks, and allow the pending claims to pass to issue.

Respectfully submitted,



Michael C. Badia (Reg. No. 51,424)
Agent for Applicants
c/o Vertex Pharmaceuticals Incorporated
130 Waverly Street
Cambridge, MA 02139-4242
Tel.: (617)444-6467
Fax.: (617)444-6483
Customer No.: 27916